



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Certifying the Canvass of Election Results and Determining Results of the Election for Community Facilities District 2007-1 (Public Services) and Introduce Ordinance Entitled "An Ordinance of the City Council of the City of Lodi Levying and Apportioning the Special Tax in Community Facilities District No. 2007-1 (Public Services)"

MEETING DATE: May 2, 2007

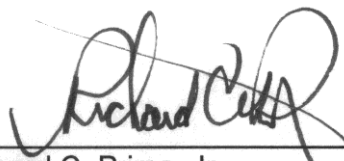
PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution certifying the canvass of election results and determining results of the election for Community Facilities District 2007-1 (Public Services) and introduce an ordinance entitled "An Ordinance of the City Council of the City of Lodi Levying and Apportioning the Special Tax in Community Facilities District No. 2007-1 (Public Services)".

BACKGROUND INFORMATION: The City of Lodi Community Facilities District No. 2007-1 (Public Services) was approved for formation at the April 4, 2007, Council meeting. The boundaries of this CFD include those certain parcels commonly known as Reynolds Ranch and which are subject to a development agreement previously entered into by and between the City and private landowners. Under the development agreement, the private landowners agreed to cooperate in the formation of a community facilities district, the purpose of which is to offset a portion of the costs caused by new development. The election was concluded April 18, 2007, and the measure passed. The ordinance introduced at this meeting will levy and apportion the special tax for the CFD.

FISCAL IMPACT: Annual special tax revenue in the amount of \$600 per single family detached dwelling unit and \$175 per multifamily dwelling unit.

FUNDING AVAILABLE: Costs for the formation are reimbursed to the City by the Reynolds Ranch Project Sponsor.



Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer/Deputy Public Works Director

RCP/FWS/pmf

cc: City Attorney

APPROVED: 

Blair King, City Manager

RESOLUTION NO. 2007-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI DECLARING THE RESULTS OF THE SPECIAL ELECTION
HELD ON APRIL 11, 2007, IN COMMUNITY FACILITIES
DISTRICT NO. 2007-1 (PUBLIC SERVICES)

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WHEREAS, the City Council on April 4, 2007, duly adopted its Resolution No. 2007-59 (the "Resolution of Formation"), which ordered a consolidated election in Community Facilities District No. 2007-1 (Public Services) (the "District") on the levy of the special tax and the establishment of an appropriations limit for the District; and

WHEREAS, pursuant to the terms of the resolution, the special election was held on April 11, 2007, and the City Clerk has duly canvassed the returns of the election as required by the resolution and has filed with the City Council a statement of all votes cast at the election showing the whole number of votes cast in the District and the whole number of votes cast for and against the measure and also filed, attached to the statement, her certificate as to the correctness of the statement (the "Statement of Election Results"), which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi that:

1. Recitals. The foregoing recitals are true and correct.
2. Canvass. The canvass by the City Clerk as shown by the Statement of Election Results is hereby ratified, confirmed, approved, and entered upon the minutes of this meeting.
3. Measure. At the election, the following measure was submitted to the qualified electors of the District:

Shall the City of Lodi be authorized to levy a special tax at the rates and apportioned as described in Exhibit C to the Resolution Declaring its Intention to Establish Community Facilities District No. 2007-1 (Public Services) adopted by the City Council on February 21, 2007 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Amended Map of Community Facilities District No. 2007-1 (Public Services), City of Lodi, County of San Joaquin," to finance certain services as set forth in Section 5 to the Resolution (including incidental expenses), and shall an appropriation limit be established for the CFD in the amount of special taxes collected?

4. Votes Cast: Election Results. The total number of votes cast in the District at the election was 181. The number of votes cast in favor of the measure was 181 and the number of votes cast against the measure was 0. More than two-thirds of all the votes cast at the election on the measure were in favor of the measure and the measure passed.

5. Notice of Special Tax Lien. The City Clerk is hereby directed to record a Notice of Special Tax Lien with the County Recorder of San Joaquin County, in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code within fifteen (15) days of the adoption of this resolution.

Date: May 2, 2007
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I hereby certify that Resolution No. 2007-82 was passed and adopted by the Lodi City Council in a regular meeting held May 2, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

2007-82

EXHIBIT A

STATEMENT OF ELECTION RESULTS

I, **Randi Johl**, City Clerk of the City of Lodi (the "City"), hereby certify that:

1. On April 11, 2007, at City Hall, 221 **W.** Pine Street, Lodi, California 95240, I canvassed the returns of the election called for April 11, 2007, in Community Facilities District **No.** 2007-1 (Public Services) on the following measure:

Shall the City of Lodi be authorized to levy a special tax at the rates and apportioned as described in Exhibit C to the Resolution Declaring its Intention to Establish Community Facilities District **No.** 2007-1 (Public Services) adopted by the City Council on February 21, 2007 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Amended Map of Community Facilities District No. 2007-1 (Public Services), City of Lodi, County of San Joaquin," to finance certain services as set forth in Section 5 to the Resolution (including incidental expenses), and shall an appropriation limit be established for the CFD in the amount of special taxes collected?

2. The total number of qualified landowner votes eligible to be cast, the total number of votes actually cast at the election, and the total number of votes cast for and against the measure are set forth below. The totals as shown for and against the measure are full, true, and correct. More than two-thirds of all the votes cast at the election on the measure were in favor of the measure and the measure passed

Qualified Landowner Votes	Votes Cast	YES	NO
200	181	181	0

Dated: May 2, 2007



Randi Johl, City Clerk, City of Lodi

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI LEVYING AND APPORTIONING THE
SPECIAL TAX IN COMMUNITY FACILITIES
DISTRICT NO. 2007-1 (PUBLIC SERVICES)

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WHEREAS, City Council has established Community Facilities District No. 2007-1 (Public Services) (the "District") pursuant to Resolution No. 2007-__ (the "Resolution of Formation"), duly adopted on April 4, 2007, for the purpose of providing for the financing of certain public services in and for the City;

WHEREAS, at an election held in the District on April 11, 2007, the qualified electors of the District authorized the levy of the special tax described in the Resolution of Formation;

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

1. Recitals. The foregoing recitals are true and correct.
2. Levy of Special Tax. Pursuant to Section 53340 of the California Government Code, the special tax is hereby levied at the maximum rates and apportioned in the manner specified in the Resolution of Formation.
3. Collection of Special Tax. Pursuant to Section 53340 of the California Government Code and the Resolution of Formation, the special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes; provided, however, that the City may directly bill the special tax, may collect special taxes at a different time or in a different manner if necessary to meet the financial obligations of the District or as otherwise determined appropriate by the City.
4. Claims for Refund. Claims for refund of the tax shall comply with the following and any additional procedures as established by the City Council:
 - (a) All claims shall be filed, in writing, with the City Treasurer during the Fiscal Year in which the error is believed to have occurred. The claimant shall file the claim within this time period and the claim shall be finally acted upon by the City Council as a prerequisite to bringing suit thereon.
 - (b) Pursuant to Government Code section 935(b), the claim shall be subject to the provisions of Government Code sections 945.6 and 946.
 - (c) The City Council shall act on a timely claim within the time period required by Government Code section 912.4.
 - (d) The procedure described in this Ordinance, and any additional procedures established by the City Council, shall be the exclusive claims procedure for claimants seeking a refund of the tax. The decision of the City Council shall be final.
5. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

6. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

7. Effective Date and Publication. This Ordinance was introduced by the Lodi City Council on May 2, 2007, and adopted by the Lodi City Council on _____, 2007. This Ordinance shall take effect thirty (30) days after its adoption. The City Council hereby directs the City Clerk to publish the full text of the ordinance within 15 days after its passage, with the names of the City Council members voting for and against the ordinance, pursuant to Government Code section 36933(a).

Approved this ____ day of _____, 2007

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

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State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held May 2, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney